

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

WILLIAM BEREZOWITZ, et al.,)	
)	Hon. Joan Humprey Lefkow
Plaintiffs,)	
)	Case No. 08-cv-1756
v.)	
)	Magistrate Judge Arlander Keys
J&R VENTURES, LLC and)	
JOHN ORECCHIO,)	
)	
Defendants.)	

**DEFENDANT JOHN ORECCHIO'S
MOTION TO DISMISS PLAINTIFFS' COMPLAINT**

Defendant, John Orecchio ("Orecchio"), by and through his attorneys, respectfully Moves this Court to Dismiss Plaintiffs' Complaint pursuant to Fed. R. Civ. P. 9(b). In support of his Motion, Orecchio submits the accompanying memorandum and states as follows:

1. On March 26, 2008, twenty-five plaintiffs filed suit against Orecchio and J & R Ventures, LLC alleging various forms of securities fraud stemming from their investment in Supplement Partners, LP.
2. As explained more fully in Orecchio's accompanying Memorandum in Support, Plaintiffs' Complaint is bereft of any allegations of any misstatements made by Orecchio. Accordingly, Plaintiffs fail to state a claim against Cummings upon which relief can be granted, and their entire Complaint against Orecchio should be dismissed pursuant to Fed. R. Civ. P. 9(b).
3. In addition, even assuming *arguendo*, that the Court found some or all of Plaintiffs' state-law claims were sufficiently plead, if their federal securities claim fails, the Court should relinquish jurisdiction over Plaintiffs' pendant state-law claims.

WHEREFORE, for the reasons set forth in Orecchio's Memorandum in Support of His Motion to Dismiss, Defendant John Orecchio respectfully requests this Honorable Court to dismiss Plaintiffs' Complaint against him in its entirety and order any other relief the Court deems equitable and just under the circumstances.

Dated: July 2, 2008

Respectfully submitted,

JOHN A. ORECCHIO

By: /s/ Henry M. Baskerville
One of his Attorneys

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CERTIFICATE OF SERVICE

I, Henry Baskerville, an attorney, certify that I caused copies of the foregoing Motion to Dismiss Plaintiff's Complaint to be served on the attorneys listed below via the Court's CM/ECF system this 2nd day of July, 2008.

/s/ Henry M. Baskerville

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